



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/806,502	03/23/2004	Marian Rudolf	I-2-0494.IUS	2766
24374 7590 09/15/2010 VOLPE AND KOENIG, P.C. DEPT. ICC UNITED PLAZA 30 SOUTH 17TH STREET PHILADELPHIA, PA 19103				
EXAMINER				
PEREZ, JULIOR				
ART UNIT		PAPER NUMBER		
2617				
NOTIFICATION DATE		DELIVERY MODE		
09/15/2010		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

eooffice@volpe-koenig.com
hrivera@volpe-koenig.com

Office Action Summary

Application No.

10/806,502

Applicant(s)

RUDOLF ET AL.

Examiner

JULIO PEREZ

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 July 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 19-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/CD)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 19-50 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 19, 22, 25, 30, 35, 38, 41, 46, 50 are rejected under 35 U.S.C. 102(b) as being *anticipated* by Lieshout et al (2002/0094833).

Regarding claim 19, Lieshout discloses providing high speed downlink packet access (HSDPA) services (par. 30) comprising:

receiving a control signal indicating a first maximum allowed HSDPA transmit power level corresponding to a first timeslot (par. 39, lines 5-12, describes adaptation of transmit power that is to be implemented for each user or time slot), and a second teach maximum allowed HSDPA transmit power level corresponding to a second timeslot (par. 39, describes transmit power adapted to each block or time-slot), wherein the transmit power level of each timeslot indicated by the control signal is not allowed to exceed its corresponding maximum allowed transmit power level indicated (par. 41, provides the maximum transmitting power to be used by the block or each time slot).

Claim 22 contains subject matter similar to claim 19, and thus, is rejected under similar rationale. Lieshout further teaches a transmitter in a base station (par. 44).

Claim 25 contains subject matter similar to claim 19, and thus, is rejected under similar rationale.

Claim 30 contains subject matter similar to claim 25, and thus, is rejected under similar rationale.

Claim 35 contains subject matter similar to claim 1, and thus, is rejected under similar rationale.

Claim 38 contains subject matter similar to claim 22, and thus, is rejected under similar rationale. Lieshout further teaches a transmitter and a receiver in a base station (par. 44)

Claim 41 contains subject matter similar to claim 30, and thus, is rejected under similar rationale.

Claim 46 contains subject matter similar to claim 41, and thus, is rejected under similar rationale.

Claim 50 contains subject matter similar to claim 45, and thus, is rejected under similar rationale.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 20, 23, 26, 31, 36, 39, 42, 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lieshout.

Lieshout teaches user measurement information returned to the SRNC through the base station and the DRNC. Lieshout does not specifically disclose transmitting at least one feedback signal indicating results of measurements of the power level of at least one of the allocated timeslots during a predetermined time period of at least 100 ms. However, Lieshout's system reports information back to the radio network controller during a period of time. Thus, it would have been obvious to one of skilled in the art at the time of the invention was made to include the mechanism for setting the predetermined time period to at least 100 ms in order to have plenty of measurements prior to answering back to the system controller.

Claim 23 contains subject matter similar to claim 20, and thus, is rejected under similar rationale.

Claim 26 contains subject matter similar to claim 20, and thus, is rejected under similar rationale.

Claim 31 contains subject matter similar to claim 26, and thus, is rejected under similar rationale.

Claim 36 contains subject matter similar to claim 20, and thus, is rejected under similar rationale.

Claim 39 contains subject matter similar to claim 20, and thus, is rejected under similar rationale.

Claim 42 contains subject matter similar to claim 31, and thus, is rejected under similar rationale.

Claim 47 contains subject matter similar to claim 42, and thus, is rejected under similar rationale.

6. Claims 21, 24, 29, 34, 37, 40, 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lieshout in view of Cha et al. (US 20040090934A1).

Regarding claim 21, Lieshout discloses power transmission control, as applied to claim 19, Lieshout does not explicitly teach the control signal limits the allowed HSDPA transmit power level to ensure that there is sufficient power reserved for non-HSDPA services, however, Cha discloses allocating percentage of the allocated transmitting power for non services related to HSD packet access (pars. 18, 27, describe the allowance of services for non high speed data services with sufficient power on transmission).

Lieshout and Cha are analogous art because they are from a similar filed of endeavor in power transmission. Thus, it would have obvious to one of skilled in the art at the time of the invention to modify the teachings of Lieshout in view of Cha, such that the control signal limits the allowed HSDPA transmit power level to ensure that there is sufficient power reserved for non-HSDPA services, in order to share the transmission power between differing services to render the system more efficiently.

Claim 24, contains subject matter similar to claim 21, and thus, is rejected under similar rationale.

Claim 29 contains subject matter similar to claim 21, and thus, is rejected under similar rationale.

Claim 34 contains subject matter similar to claim 24, and thus, is rejected under similar rationale.

Claim 37 contains subject matter similar to claim 24, and thus, is rejected under similar rationale.

Claim 40 contains subject matter similar to claim 34, and thus, is rejected under similar rationale.

Claim 45 contains subject matter similar to claim 34, and thus, is rejected under similar rationale.

7. Claims 27, 32, 43, 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lieshout in view of Malkamaki (US 20040097253A1).

Regarding claim 27, Lieshout discloses claim 25, but wherein at least one set of the allocated TTIs are included in a frequency division duplex (FDD) cell frame.

Malkamaki implements wireless communication systems with FDD mode and TTIs to define periods for data transportation between the user equipment and base stations (pars. 61, 67, 71, which provides frequency duplex and also allocation of TTIs at least on transmission).

At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the teachings of Lieshout to include Malkamaki, as it is known to implement wireless communication during frequency duplex with allocation of TTIs during cell frames.

Claim 32 contains subject matter similar to claim 27, and thus, is rejected under similar rationale.

Claim 43 contains subject matter similar to claim 32, and thus, is rejected under similar rationale.

Claim 48 contains subject matter similar to claim 43, and thus, is rejected under similar rationale.

8. Claims 28, 33, 44, 49 are rejected under 35 U.S03 (a) as being unpatentable over Lieshout in view of Malkamaki as applied to claims above, and further in view of Mousley et al. (US 20050083977A1).

Regarding claim 28, the combination of Lieshout and Malkamaki discloses claim 25, but wherein the FDD cell frame has a length of 10 ms and each TTI has a length of 2 ms. Mousley, however, teaches allocation of channels with TTI of length 2 ms and frames of length of 2 ms (pars. 27, 37, lengths of 2 and several ms are taught).

It would have been obvious to one of ordinary skill in the art to modify Lieshout in view of Malkamaki, to include Mousley, as it is known in the art that TTIs conform to 2 ms and frames with lengths of 10 ms, to identify the frame lengths for transmission.

Claim 33 contains subject matter similar to claim 28, and thus, is rejected under similar rationale.

Claim 44 contains subject matter similar to claim 33, and thus, is rejected under similar rationale.

Claim 49 contains subject matter similar to claim 44, and thus, is rejected under similar rationale.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **JULIO PEREZ** whose telephone number is (571)272-7846. The examiner can normally be reached on 10-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **PATRICK EDOUARD** can be reached on (571)272-7603. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

9/1/2010

/J. P./
Examiner, Art Unit 2617

/Patrick N. Edouard/
Supervisory Patent Examiner, Art Unit 2617